

Amendment No. 3 to SB0859

**Black
Signature of Sponsor**

AMEND Senate Bill No. 859

House Bill No. 327*

by deleting Sections 10 and 11 of the bill as amended and by substituting instead the following:

SECTION 10. Tennessee Code Annotated, Section 37-1-102(b)(12), is amended by adding the following new subdivision (J):

(J)

(i) Who has willfully been left in the sole financial care and sole physical care of a related caregiver for not less than eighteen (18) consecutive months by the child's parent, parents or legal custodian to the related caregiver, and the child will suffer substantial harm if removed from the continuous care of such relative;

(ii) For the purposes of this subdivision (b)(12)(J), a related caregiver shall include the child's biological, step, or legal grandparent, great grandparent, sibling, aunt, uncle, or any other person who is legally or biologically related to the child;

(iii) For the purposes of this subdivision (b)(12)(J), a child willfully left with a related caregiver as defined in subdivision (b)(12)(J)(ii) because of the parent's military service shall not be subject to action pursuant to § 37-1-183;

SECTION 11. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

§ 37-1-183.

If the court finds that a child is dependent and neglected as defined in § 37-1-102(b)(12)(J), the court shall order the child to remain in the related caregiver's custody if such an arrangement is in the best interest of the child. Any future order for modification or termination of the related caregiver's custody brought by the child's

parent shall be based on a finding, by a preponderance of the evidence, that there has been a material change in circumstances. When making such a determination, the court may consider whether the child's parent is currently able and willing to care for the child, or that the related caregiver is unable to continue to care for the child.